

## **REMARKS**

### **STATUS OF THE CLAIMS**

Claims 2, 5-6, 8, 14-15 and 33-34 are pending in the application.

Claims 16-31 are withdrawn.

### **THE OFFICE ACTION**

The Office Action of July 29, 2004, has been received and carefully studied. For the reasons outlined below, it is submitted that the claims are in condition for allowance.

Claims 5, 6, 14, 33, and 34 were rejected under 35 U.S.C. §102(e) as being anticipated by Brodeur, et al., U.S. Patent No. 6,187,856.

Claim 2 was rejected under 35 U.S.C. §103(a), as unpatentable over Brodeur, et al. and further in view of prior art asserted to be admitted by Applicant ("APA").

Claims 8 and 15 were rejected under 35 U.S.C. §103(a), as unpatentable over Brodeur, et al. and further in view of Conrad, et al., U.S. Patent No. 6,245,697.

The present invention describes and claims a non-slip, non-adhesive shelf liner sheet. Its lower surface is designed to grip a shelf or other surface on which the liner sheet is placed and yet be movable as necessary.

Claim 14 of the present application recites a resilient, flexible, **non-adhesive** curl resistant sheet material for covering a household surface. The sheet material includes a thin, continuous, plastic top film and a continuous foam layer of uniform thickness and about 30-40 mils thick adjacent to said film and adhering to the film. The foam layer defines a non-slip bottom surface for contacting a household surface.

The Brodeur reference does not disclose such a sheet material. Brodeur's product includes a foam pad with sufficient adhesive tack to cling to a vertical plane. To provide this adhesive property and to adhere the foam to a vinyl film, Brodeur incorporates rosin ester

tackifiers into his foam pad (col. 3, lines 15-19). Example IV indicates that the rosin ester emulsion is added at 10 parts/100 parts rubber, amounting to over 7% of the foam's composition.

The present sheet material is non-adhesive. Its bottom surface is non-slip. The present applicant has found that by applying the foam materials and foaming in situ, and/or by applying a primer to the foam, adherence of the foam to the top layer can be achieved with a non-adhesive product which is readily moved and which does not damage the household surface to which it is applied. In contrast, Brodeur applies an already prefoamed material to the vinyl top layer without a primer and thus requires the tackifiers to be present to bond the foam to the vinyl.

The Examiner points to column 1, lines 49-52 of Brodeur which indicate that the roll can be wound and unwound without sticking to itself. Assuming, arguendo, that this is literally the case, the Examiner will appreciate that it is common to protect adhesive layers with a release paper. Because of its smooth surface, the release paper can be peeled from the adhesive layer. In the same way, the smooth surface of the vinyl top film of Brodeur acts as a release layer allowing it to be peeled from the foam layer of the next coil. However, the foam is nonetheless adhesive toward a vertical surface, a clear test of a product's adhesive character.

Brodeur further states that the laminate has the ability to adhere to vertical surfaces of any kind without the need for adhesives of any kind (col. 2, lines 42-45). Clearly, what Brodeur is referring to here is the lack of a separate layer of pressure sensitive adhesive attached to the underside, in the manner of the vinyl foam/film prior art products described in col. 1, lines 15-18. In Brodeur's case, the foam is itself adhesive and does not require an additional adhesive layer to stick to a vertical surface.

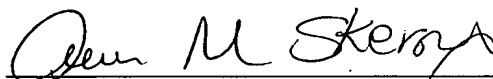
The Conrad reference, which was cited against claims 8 and 15, does not supply the deficiencies of the Brodeur reference. Conrad discloses a flexible floor mat for absorbing liquids on floors. A waterproof layer is on the underside of a water absorbent foam layer. It is the waterproof layer of Conrad, rather than the foam layer, which is non-skid.

Accordingly, it is submitted that claim 14, and claims 2, 5-6, 8, 15, and 33-34 dependent therefrom, distinguish over the references of record.

Should the Examiner have questions or believe that further amendments to the claims are required, it is requested that the Examiner call applicant's attorneys at the below stated number.

Respectfully submitted,

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